

Order

Michigan Supreme Court
Lansing, Michigan

November 24, 2010

Marilyn Kelly,
Chief Justice

141695 & (55)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant/
Cross-Appellee,

v

SC: 141695
COA: 288855
Lenawee CC: 08-013500-FH

EDWARD MICHAEL KOWALSKI,
Defendant-Appellee/
Cross-Appellant.

On order of the Court, the application for leave to appeal the April 27, 2010 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered, and they are GRANTED. The parties shall include among the issues to be briefed: (1) whether the Court of Appeals erred when it determined (a) that the trial court's jury instructions failed to apprise the jurors of the *actus reus* of the crime of accosting, enticing, or soliciting a child for immoral purposes, MCL 750.145a, and (b) that the error was not harmless beyond a reasonable doubt; (2) whether the defendant waived the instructional error, and if so, whether his attorney provided ineffective assistance of counsel; and (3) whether, when viewed in a light most favorable to the prosecution, the evidence presented at trial was sufficient to enable a rational jury to find that the *actus reus* of the charged offense was proven beyond a reasonable doubt.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 24, 2010

Corbin R. Davis

Clerk